HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO:1229 OF 2000

Date:5.8.2005

Between:

1.The General Manager, S.B.H., Gun Foundry, Hyderabad & another

….Appellants

&

R.Jugal Kishore.

….Respondent.

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JUDGMENT (Per the Honourable Smt. Justice T.Meena Kumari.)

This writ appeal is filed by the appellants aggrieved by the order of the learned single Judge in W.P.No:25319 of 1995, dated 5.7.2000, under which the learned single Judge disposed of the writ petition with the observations as indicated therein

The respondent is the writ petitioner. He filed the writ petition seeking to call for the records relating to the proceedings of the 1st appellant in D.P.D./982, dated 20.2.1995 inclusive of the proceedings No:DPD/1049, dated 23.3.1995 and as modified in the proceedings of the 2nd appellant in his file No:DPD/407, dated 31.7.1995 and to quash the same as arbitrary and illegal.

The learned single Judge having observed that the appointing authority or appellate authority shall pass the orders without taking into consideration of the confessional statement said to have been given by the respondent, and it is open to the petitioner to rebut the allegations with the aid of the judgment of the Criminal Court, disposed of the writ petition. Having aggrieved by the same, the present appeal is preferred by the appellants.

Heard the learned counsel.

We have perused the material available on record and the order impugned.

It is submitted by the learned counsel for the appellants that the observation of the learned single Judge that it is open to the petitioner to rebut the allegations with the aid of the judgment of the Criminal Court, will be an impediment to proceed with the enquiry independently and fairly and thereby, the enquiry cannot be decided on its own merits and therefore, it needs interference by this Court so as to proceed with the enquiry.

In the facts and circumstances of the case and considering the seriousness of the allegations made against the petitioner, without expressing any opinion on the merits of the case, We feel it appropriate to modify the order of the learned single Judge to the effect that it is not open for the petitioner to rebut the allegations with the aid of the judgment of the criminal Court and the Disciplinary authority shall proceed with the enquiry after giving an opportunity to the petitioner being uninfluenced by the finding of the Criminal Court. It is also made clear that this exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order.

Subject to the above modification, this writ appeal is disposed of.

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(T.MEENAKUMARI, J)

3rd August, 2005

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(P.LAKSHMANA REDDY, J)

Gurc.

HONOURABLE SMT. JUSTICE T.MEENAKUMARI

&

HONOURABLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL No:1229 of 2000

(judgment delivered by Smt.Justice T.MeenaKumari)

3rd August, 2005